



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,832	07/25/2003	Andrew D. Delano	200209642-1	3744
22879	7590	10/28/2004	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			KERSHTEYN, IGOR	
			ART UNIT	PAPER NUMBER
			3745	

DATE MAILED: 10/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/627,832

Applicant(s)

DELANO ET AL.

Examiner

Igor Kershteyn

Art Unit

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim objections*

Applicant is advised that should claim 9 be found allowable, claim 10 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claims 15 and 16 are objected to because of the following informalities:

In claim 15, line 1, "a fan speed step" should be --the fan speed step--,

In claim 16, line 1, "a fan speed step" should be --the fan speed step--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

Art Unit: 3745

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-15, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Moore (4,468,924).

In figures 1a-9, Moore teaches a device comprising a fan (not numbered) configured to run at a variable speed: and a converter 48 electrically coupled to the fan in a such a way as to control a speed of said fan, wherein said converter 48 receives an altitude and outputs a fan speed control signal calculated from said altitude to said fan.

Claims 1, 3, 4, 6, 8, 11, 13-15, 17, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Howell et al. (4,954,974).

In figures 1 and 2, Howell et al. teach a device comprising a fan (not numbered) configured to run at a variable speed: and a converter 50 electrically coupled to the fan in a such a way as to control a speed of said fan, wherein said converter 50 receives an altitude and outputs a fan speed control signal calculated from said altitude to said fan.

Claims 1, 2, 5-7, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Barzideh et al. (5,379,999).

In figures 1-4, Barzideh et al. teach a device comprising a fan 18 configured to run at a variable speed: and a converter 52 electrically coupled to the fan in a such a way as to control a speed of said fan 18, wherein said converter 52 receives an altitude and outputs a fan speed control signal calculated from said altitude to said fan 18.

Art Unit: 3745

Claims 1, 3, 4, 11, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application No. 10/438,791.

In figures 1-9, 10/438,791 teaches a device comprising a fan (not numbered) configured to run at a variable speed: and a converter 22 electrically coupled to the fan in a such a way as to control a speed of said fan, wherein said converter 22 receives an altitude and outputs a fan speed control signal calculated from said altitude to said fan.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Howell et al. (4,954,974) in view of Baruschke et al. (5,099,654).

Howell et al. teach all the claimed subject matter except that they don't teach the measuring the fan speed is performed by an optoelectronic device.

Baruschke et al., in figures 2 and 10, teaches a device comprising a fan 36 wherein measuring the fan speed is performed by an optoelectronic device 32.

Since Howell et al. and Baruschke et al. are analogous art because they are from the same field of endeavor, that is the measuring the fan speed art, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to

Art Unit: 3745

modify the device of Howell et al. with the optoelectronic speed sensor as taught by Baruschke et al. for the purpose of increasing the accuracy of the fan speed readings.

### ***Prior Art***

Prior art made of record but not relied upon is considered pertinent to Applicant's disclosure and consist of three patents.

Hileman et al. (5,963,424) is cited to show a device comprising a fan configured to run at a variable speed: and a converter electrically coupled to the fan in a such a way as to control a speed of said fan, but fails to show said converter receives an altitude and outputs a fan speed control signal calculated from said altitude to said fan.

Moore-McKee et al. (6,269,300) is cited to show a device comprising a fan configured to run at a variable speed: and a converter electrically coupled to the fan in a such a way as to control a speed of said fan, but fails to show said converter receives an altitude and outputs a fan speed control signal calculated from said altitude to said fan.

Koplin (6,776,707) is cited to show a device comprising a fan configured to run at a variable speed: and a converter electrically coupled to the fan in a such a way as to control a speed of said fan, but fails to show said converter receives an altitude and outputs a fan speed control signal calculated from said altitude to said fan.

Art Unit: 3745

**Contact information**

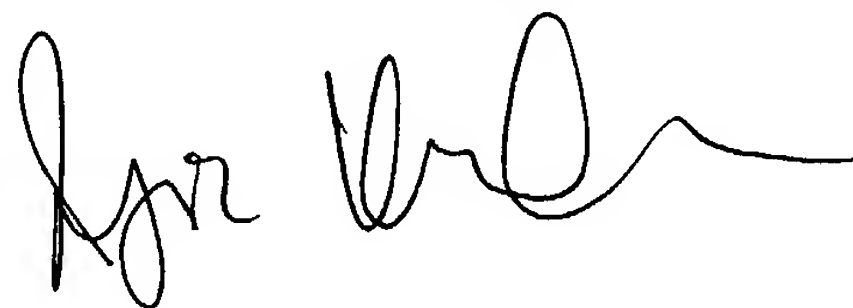
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kershteyn whose telephone number is (703) 308 8317. The examiner can be reached on Monday-Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached on (703) 308 1044. The fax number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308 0861.

IK

October 19, 2004



**Igor Kershteyn**  
**Patent examiner.**  
**Art Unit 3745**



**EDWARD K. LOOK**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3700**

10/23/04